


REGIONAL HOUSING NEEDS ALLOCATION

Association of Bay Area Governments

2023-2031 Regional Housing Needs Assessment (RHNA) Appeal Request*Submit appeal requests and supporting documentation via DocuSign by 5:00 pm PST on July 9, 2021.****Late submissions will not be accepted.*** Send questions to rhna@bayareametro.govJurisdiction Whose Allocation is Being Appealed: County of Santa ClaraFiling Party: ☐ HCD ☒ Jurisdiction: County of Santa ClaraContact Name: Jacqueline R Onciano Title: Director of Planning & DevelopmentPhone: (408) 299-6741 Email: jacqueline.onciano@pln.sccgov.org**APPEAL AUTHORIZED BY:**Name: Jeffrey SmithSignature: 
 21E9050BD1084D7...Date: 7/7/2021**PLEASE SELECT BELOW:**

- ☐ Mayor
- ☐ Chair, County Board of Supervisors
- ☐ City Manager
- ☐ Chief Administrative Officer
- ☒ Other: County Executive

IDENTIFY ONE OR MORE BASES FOR APPEAL [Government Code Section 65584.5(b)]

- ☒ ABAG failed to adequately consider information submitted in the Local Jurisdiction Survey regarding RHNA Factors (Government Code Section 65584.04(e)) and Affirmatively Furthering Fair Housing (See Government Code Section 65584.04(b)(2) and 65584(d)(5)):
- ☐ Existing and projected jobs and housing relationship.
 - ☒ Sewer or water infrastructure constraints for additional development due to laws, regulatory actions, or decisions made by a provider other than the local jurisdiction.
 - ☒ Availability of land suitable for urban development or for conversion to residential use.
 - ☐ Lands protected from urban development under existing federal or state programs.
 - ☒ County policies to preserve prime agricultural land.
 - ☐ Distribution of household growth assumed for Plan Bay Area 2050.
 - ☒ County-city agreements to direct growth toward incorporated areas of county.
 - ☐ Loss of units contained in assisted housing developments.
 - ☐ Households paying more than 30% or 50% of their income in rent.
 - ☐ The rate of overcrowding.
 - ☐ Housing needs of farmworkers.
 - ☐ Housing needs generated by the presence of a university campus within a jurisdiction.
 - ☐ Housing needs of individuals and families experiencing homelessness.
 - ☐ Loss of units during a declared state of emergency from January 31, 2015 to February 5, 2020.
 - ☐ The region's greenhouse gas emissions targets to be met by Plan Bay Area 2050.
 - ☐ Affirmatively furthering fair housing.
- ☒ ABAG failed to determine the jurisdiction's Draft RHNA Allocation in accordance with the Final RHNA Methodology and in a manner that furthers, and does not undermine the RHNA Objectives (see Government Code Section 65584(d) for the RHNA Objectives).
- ☐ A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted in the Local Jurisdiction Survey (*appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change occurred*).

Pursuant to Government Code Section 65584.05, appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d). An appeal shall be consistent with, and not to the detriment of, [the development pattern in the sustainable communities strategy \(Plan Bay Area 2050 Final Blueprint\)](#). (Click [here](#))

Number of units requested to be reduced or added to jurisdiction's Draft RHNA Allocation:

☒ Decrease Number of Units: 2000 ☐ Increase Number of Units: _____

Brief description of appeal request and statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584(d) and how the revision is consistent with, and not to the detriment, of the development pattern in Plan Bay Area 2050. Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

The County of Santa Clara ("County") is making an appeal on the basis of two of the three grounds for appeal outlined in Government Code section 65584.05(b)(1)-(2).

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey.

The County asked that ABAG consider the County's General Plan policies that aim to curtail sprawl by focusing growth within incorporated areas, and urban parts of unincorporated county or within Urban Service Areas (USA). To facilitate greater cohesive development patterns between incorporated and unincorporated USAs, the County's General Plan states, "land use planning for these urbanized parts of unincorporated county are conducted by the cities." It is the County's policy that these urban unincorporated areas will eventually be annexed into the respective cities. In addition, the County works with cities to ensure all utilities and services to the USAs are provided for by the respected cities. These two policies have been in place for over 25 years and are actively utilized by cities to plan for the unincorporated areas within their respective USAs.

2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives identified in Government Code Section 65584(d). The regional housing needs allocation plan must further all five statutory objectives outlined in Government Code section 65584(d). The County would like to highlight the following statutory objective in section 65584(d)(2): Promote infill development and socioeconomic equity; protect environmental and agricultural resources; encourage efficient development patterns; and achieve greenhouse gas reduction targets. ABAG's allocation plan does not further this statutory objective. The County has long-standing policies that promote compact urban development and preserve environmental and agricultural resources. On that front the County and the County LAFCO, has had policies in place to stop the expansion of the USAs by cities and to keep the unincorporated county lands rural. The allocation of 3,125 units for the 6th RHNA cycle will necessitate the County to look for sites outside USAs to avoid conflicts with City general plans and projects in USAs.

List of supporting documentation, by title and number of pages

1. Cover letter and Attachments (B-F)
2. _____
3. _____



The maximum file size is 25MB. To submit larger files, please contact rhna@bayareametro.gov.

Click here to
attach files

County of Santa Clara

Department of Planning and Development

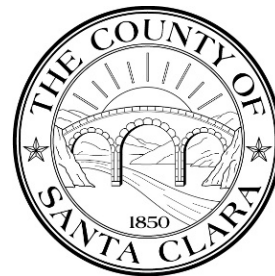
County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



July 9, 2021

The Administrative Committee

Association of Bay Area Governments ("ABAG")

Re: County of Santa Clara's Appeal of the 2023-2031 RHNA Cycle Allocation

Dear President and ABAG Administrative Committee:

Please accept this appeal of the County of Santa Clara 2023-2031 Regional Housing Needs Assessment ("RHNA") Cycle allocation. The appeal is being submitted in response to ABAG's failure to consider information submitted by the County of Santa Clara ("County") relating to certain local factors affecting Santa Clara County, outlined in Government Code Section 65584.04(e), and ABAG's improper application of its allocation methodology, as described in the enclosed appeal packet and Appeal Request Form. Based on the supporting information provided with this appeal, the County requests correction of the allocation and reallocation of the County's assigned units. The County of Santa Clara's allocation of 3,125 housing units inappropriately directs growth into rural areas designated for preservation and forces the County to upend decades of successful policies that enable cities to plan for future growth in the urban unincorporated areas. The County of Santa Clara Board of Supervisors unanimously authorized the submission of this appeal at its regular meeting on May 25, 2021 (Item No. 36).

The County acknowledges that ABAG has had the difficult task of developing a methodology to distribute the 134 percent increase in housing allocation from the California Department of Housing and Community Development's ("HCD") last RHNA cycle, resulting in an approximately 441,176 additional housing units throughout the nine-county Bay Area region. The County further recognizes that implementation of HCD's allocation could catalyze greenfield development, not just in unincorporated county but throughout the nine-county Bay Area region, and this type of development pattern is contrary to the efforts being made throughout the Bay Area to reduce vehicle miles traveled (VMT) and create sustainable and resilient communities. As a result, jurisdictions throughout the region face substantial increases in their RHNA allocations. For the County, this means 3,125 units, which represents an over **1000 percent increase** in the County's allocation from the last RHNA cycle when the County was allocated 277 housing units. This exponential increase is disproportionate to the overall regional allocation. The allocation ignores several ground realities and material limitations, coupled with longstanding County General Plan policies that focus growth within urban areas to combat sprawl and preserve farmlands within unincorporated areas.

Through the vision and commitment of the Board of Supervisors, the County has been a leader in funding and building affordable housing within the incorporated and urbanized areas of the county. In November 2016, Santa Clara County voters approved Measure A—a \$950 million housing bond that has been instrumental in funding the construction of new affordable housing developments. Within seven cities in the county, Measure A has funded 2,969 new affordable units in the last four years. Additionally, the County continues to purchase parcels in these cities and repurpose existing County-owned sites to build affordable housing to address the regional shortage. All of these affordable housing units will be counted towards the individual cities' RHNA requirements.

//

Thank you for your consideration of the County's appeal.

Sincerely,

DocuSigned by:

Jacqueline R. Onciano

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JACQUELINE R. ONCIANO

Director, Department of Planning and Development

County of Santa Clara

APPROVED:

DocuSigned by:

Sylvia M. Gallegos

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Sylvia M. Gallegos

Deputy County Executive

APPROVED AS TO FORM AND LEGALITY:

DocuSigned by:

Giulia Gualco-Nelson

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Giulia Gualco-Nelson

Deputy County Counsel

Enclosures:

Attachment A: *Appeal Request Form (filled online)*

Attachment B: *Appeal Documentation*

Attachment C: *Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas*

Attachment D: *Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements*

Attachment E: *Letters to ABAG*

Attachment F: *Sites Identified by the ABAG/MTC Housing Element Site Selection Tool outside the Urban Service Areas*

ATTACHMENT B: **Appeal Documentation**

The County of Santa Clara (“County”) is making an appeal on the basis of two of the three grounds for appeal outlined in Government Code section 65584.05(b)(1)-(2).

1. ABAG failed to adequately consider the information submitted as part of the local jurisdiction survey.

Pursuant to Government Code section 65584.04(b), the County responded to ABAG’s survey with information on the availability of land suitable for urban development, lands preserved or protected from urban development to protect open space, farmland, environmental habitats, and agreements between the County and cities to direct growth toward incorporated areas of the county. In formulating its methodology, ABAG did not adequately consider the following responses:

Question 12: *What agreements, if any, are in place between your county and the cities in your county that direct growth toward either the incorporated or unincorporated areas of the county?*

County Response: *“County General Plan clearly identifies a policy for compact growth focused on development into incorporated area. The Plan also established a framework to manage land use in the South County - South County Joint Area Plan County has an agreement with San Jose regarding growth management.*

Overall County GP/LAFCO policies.”

Question 19: *What are the primary barriers or gaps your jurisdiction faces in meeting its RHNA goals for producing housing affordable to very low- and low-income households?*

County Response:

- *“Local gap financing for affordable housing development*
- *Availability of land*
- *Community opposition”*

Question 51: *Are there any other factors that you think ABAG should consider in the RHNA methodology?*

County Response: *“Unincorporated County has a clear distinction between urban and rural areas. Our urban Areas are built out, and we trying to discourage development in rural areas as per our General Plan policies. In addition, the county is trying to preserve working farms, both as way to limit growth, and preserve abilities to sequester carbon. ABAG should consider these aspects in estimating housing allocations for unincorporated county.”*

Question 52: *What criteria or factors do you think are most important to consider in the RHNA methodology?*

County Response:

- *“Rural/Urban context,*
- *Consistency with County Growth policies,*
- *Access to transit, services, and utilities”*

In its survey responses to Question 19, the County highlighted the issue of the availability of suitable land. The County does not have the authority to carry out land use planning in areas within unincorporated

urban service areas (USAs), most of which is being built out with single-family residential development. In the responses to Questions 12, 51 and 52, the County asked that ABAG consider the County's General Plan policies that aim to curtail sprawl by focusing growth within incorporated areas, and urban parts of unincorporated county or within USAs. (See Attachment C, *Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan covering an Unincorporated Urban Service Areas*). Two County policies, in particular, facilitate greater cohesive development patterns between incorporated and unincorporated USAs. First, the County's General Plan states, "*land use planning for these urbanized parts of unincorporated county are conducted by the cities.*"¹ It is the County's policy that these urban unincorporated areas will eventually be annexed into the respective cities. Relatedly, a second County policy in the County's Zoning Ordinance² provides that the County *does not allow any significant projects within these areas unless the project conforms with the affiliated city's General Plan, and the city has the option to annex the project area.*³ In addition, the County works with cities to ensure all utilities and services to the USAs are provided for by the respective cities.⁴

These two policies have been in place for over 25 years and are actively utilized by cities to plan for the unincorporated areas within their respective USAs. To that end, ABAG and HCD have recognized these planning policies in the past two RHNA cycles, as the County was assigned housing unit goals commensurate with the County's longstanding regulations to concentrate growth within existing urban areas. Additionally, HCD approved prior Housing Elements of cities where site inventories include sites located in their respective unincorporated USAs. For example, the past two Housing Elements (2007-2014, 2015-2023) of the City of San José identify over 237 acres of land for housing development within the urban unincorporated county, totaling to a capacity of 3,716 housing units (see Attachment D, *Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous Housing Elements*). Consistent with these policies, the County has not identified any parcels within unincorporated urban pockets in prior Housing Element site inventories.

Furthermore, several residential and mixed use projects planned and managed by the City of San José are within unincorporated USAs, such as the [Communication Hill \(2,200 new units, annexed 2015\)](#) and the [Cambrian Park Plaza \(over 400 new units, annexation in process\)](#) projects. The City of San José was able to plan for these projects because the County's General Plan facilitates such planning and annexation by the city. While there remains a handful of unincorporated pockets within cities, most of these pockets are built out with single family developments and do not have capacity for additional development other than supporting Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU). The County has previously pointed out these challenges to the ABAG Executive Board and ABAG staff, with the County urging ABAG to allocate the County's capacity estimates for unincorporated USAs to be reassigned to the respective cities given these policies. (Attachment E, *Letters to ABAG.*)

¹ County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #2: *Ensure Conformity of Development with Cities' General Plans.*

² Zoning Ordinance of the County of Santa Clara, § 5.20.070 (providing that no application for a land use entitlement shall be accepted for any parcel of land within a city's urban service area except for minor alteration and reconstruction projects and development of unincorporated lands on Stanford University). In addition, Zoning Ordinance § 5.20.060 requires uses within a city's urban service area, including those not subject to annexation, to conform to the city general plan. Due to an intergovernmental protocol agreement adopted jointly by the County of Santa Clara, Stanford University, and the City of Palo Alto, these USA policies do not apply to unincorporated lands of Stanford University's campus.

³ County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #1: *Promote Eventual Annexation.*

⁴ County General Plan Book B, Part 4 Urban Unincorporated Area Issues & Policies. Strategy #3: *Provide Services as Efficiently and Equitably as Possible.*

The County General Plan policies, the recognition of these policies by ABAG in past RHNA cycles and city Housing Elements, and the stated examples of projects within unincorporated USAs receiving RHNA credit by the respective city indicate that ABAG failed to adequately consider the County's General Plan policies, which act as an agreed upon framework that all future development within USAs are the responsibility of the affiliated city. The examples given above show that the County's policies have worked successfully over the last two decades and have resulted in infill housing developments being planned and built. **Therefore, the County asks that any RHNA allocation for the County that was determined by accounting for housing capacity or existing residential population within unincorporated USAs be reassigned to the respective cities affiliated with the USAs.**

2. ABAG did not determine the jurisdiction's allocation in accordance with its adopted methodology and in a manner that furthers, and does not undermine, the RHNA objectives identified in Government Code Section 65584(d).

The regional housing needs allocation plan must further all five statutory objectives outlined in Government Code section 65584(d). Of the five statutory RHNA objectives, the County highlights the following statutory objective in section 65584(d)(2):

- *Promote infill development and socioeconomic equity; **protect environmental and agricultural resources; encourage efficient development patterns; and achieve greenhouse gas reduction targets.***

ABAG's allocation plan does not further this statutory objective. As described above, the County has long-standing policies that promote compact urban development⁵ and preserve environmental and agricultural resources.⁶ On that front the County, along with the Santa Clara County Local Agency Formation Commission (LAFCO), has had policies in place to stop the expansion of the USAs by cities and to keep the unincorporated county lands rural. The allocation of 3,125 units for the 6th RHNA cycle will require the County to look for sites outside the USAs in order to avoid disputing unincorporated urban areas already planned for housing capacity by the respective cities, and to avoid double counting past Housing Element sites previously claimed by cities in unincorporated USAs. Expanding beyond the County's adopted USA boundaries would result in an increase in VMTs and related greenhouse g("GHG") emissions and loss of rural and agricultural lands on the valley floor (see Attachment F, *Sites Identified by the ABAG/MTC Housing Element Site Selection Tool*), which is in conflict with the above stated statutory RHNA objectives.

To illustrate this, the County utilized the [ABAG/MTC Housing Element Site Selection \(HESS\) Tool](#) that identifies 9,372 potential sites in unincorporated county that may accommodate RHNA with further analysis of site suitability or rezoning. It states that of the 9,372 sites, 2,099 parcels (2,823 acres) are within *Transit Rich Areas* and 2,329 (2,013 acres) are in *High Opportunity Areas*.⁷

| Area | Sites in High Opportunity Areas | Sites in Transit Rich Areas | Sites in Both |
|---|---------------------------------|-----------------------------|---------------|
| <i>Unincorporated County</i> | 2,329 | 2,099 | 66 |
| <i>USAs (with Stanford & Moffett Field)</i> | 2,311 | 1,453 | 66 |

⁵ County General Plan Book A, Growth & Development. Strategy #1: *Promote Compact Urban Development Patterns*.

⁶ County General Plan Book A, Resource Conservation. C-RC 37: *productive use land not intended for urban development* & C-RC 40: *Long term land use stability and dependability to preserve agriculture shall be maintained*.

⁷ HCD defines High Opportunity areas as areas that have place-based characteristics linked to critical life outcomes, such as educational attainment, earnings from employment, and economic mobility. See [California Fair Housing Task Force, Methodology for the 2020 TCAC/HCD Opportunity Map](#).

| | | | |
|---------------------|----|-----|---|
| <i>Rural County</i> | 18 | 646 | 0 |
|---------------------|----|-----|---|

Number of sites by area as identified by the ABAG/MTC HESS tool.

The analysis of parcels outside the USAs shows that there are 646 parcels (1,943 acres) within *Transit Rich Areas* and 18 parcels (12.5 acres) within *High Opportunity Areas*. This represents less than 30% of the Transit Rich Area parcels and *less than 1 percent* of the High Opportunity Area parcels. A further analysis of parcels indicates that all of the high opportunity sites are on the Stanford University Campus,⁸ or on Federally governed Moffett Field (see areas in orange in Attachment F). If these urbanized areas are excluded, the number of sites that fit both categories (as desired by HCD) in rural County results in no potential sites being available to support housing capacity.

Furthermore, the literature provided [online](#) by ABAG/MTC does not elaborate in detail as to how the *transit rich* category is determined (routes vs stops, local bus vs high capacity transit, existing or planned etc.). Therefore, it is difficult for the County to understand why parts of rural county are being identified as *transit rich*. Moreover, many of the identified potential sites in rural county that are in *Transit Rich Areas* (646 parcels/1944 acres) are in locations that the County is actively trying to preserve in an effort to create resilient natural infrastructure to mitigate the impacts of climate change in the region; this includes the valley lands between City of San José and Gilroy that support small and medium scale farmland and provide important habitat to flora and fauna that uniquely exist in the county.⁹ Ninety-one of the identified potential sites in these areas contain State- and County-designated farmlands of significance (Prime/State/Local/Unique) that cover over 910 acres. If the County were required to identify these sites for housing in order to satisfy the RHNA allocation, this would mean that the unique environmental attributes of these lands could be lost.

To conclude, if ABAG does not correct the errors stemming from its improper allocation methodology, the County would be left with the following two counter-productive choices:

- A. The County amends long established and successful policies in preventing urban sprawl and promoting resource conservation to build housing in rural parts of the county.** The allocation would force the County to consider sites within rural unincorporated areas, and/or rely on Federally controlled sites such as NASA Ames,¹⁰ to produce housing that could be counted towards the County's allocation. These strategies run counter to the State's and Region's goals to reduce VMT; protect environmental and agricultural resources; and, avoid building homes in areas likely to be impacted by fires or sea level rise due to climate change. Furthermore, the County has no land use jurisdiction over Federally controlled sites, including whether the NASA Ames units would meet the legal standards for inclusion on the County's site inventory.

⁸ The County expects to utilize sites on Stanford Campus to account for 800 to 1000 units under the 6th RHNA cycle.

⁹ For example, on February 9, 2021 (Item No. 22), the Board of Supervisors directed the Department of Planning and Development to develop potential requirements and incentives to control development in Coyote Valley, through adoption of a Climate Change Overlay Zone. The objective of this policy is to ensure that the natural characteristics in Coyote Valley—groundwater and aquifer health, prime farmland soils and food security, flood attenuation and recharge, carbon sequestration via perennial vegetation, wildlife habitat and landscape linkages, and peri-urban greenbelt—create a form of natural infrastructure that would be impractical if not impossible to replace through human-made infrastructure. By protecting and investing in the existing natural infrastructure, the opportunities for climate action can include avoidance of greenhouse gas emissions, activation of carbon sequestration, and creation of physical and systemic resilience against the worst impacts of climate change.

¹⁰ NASA Ames management indicated they are planning for housing on the lands under their federal jurisdiction. See Attachment D.

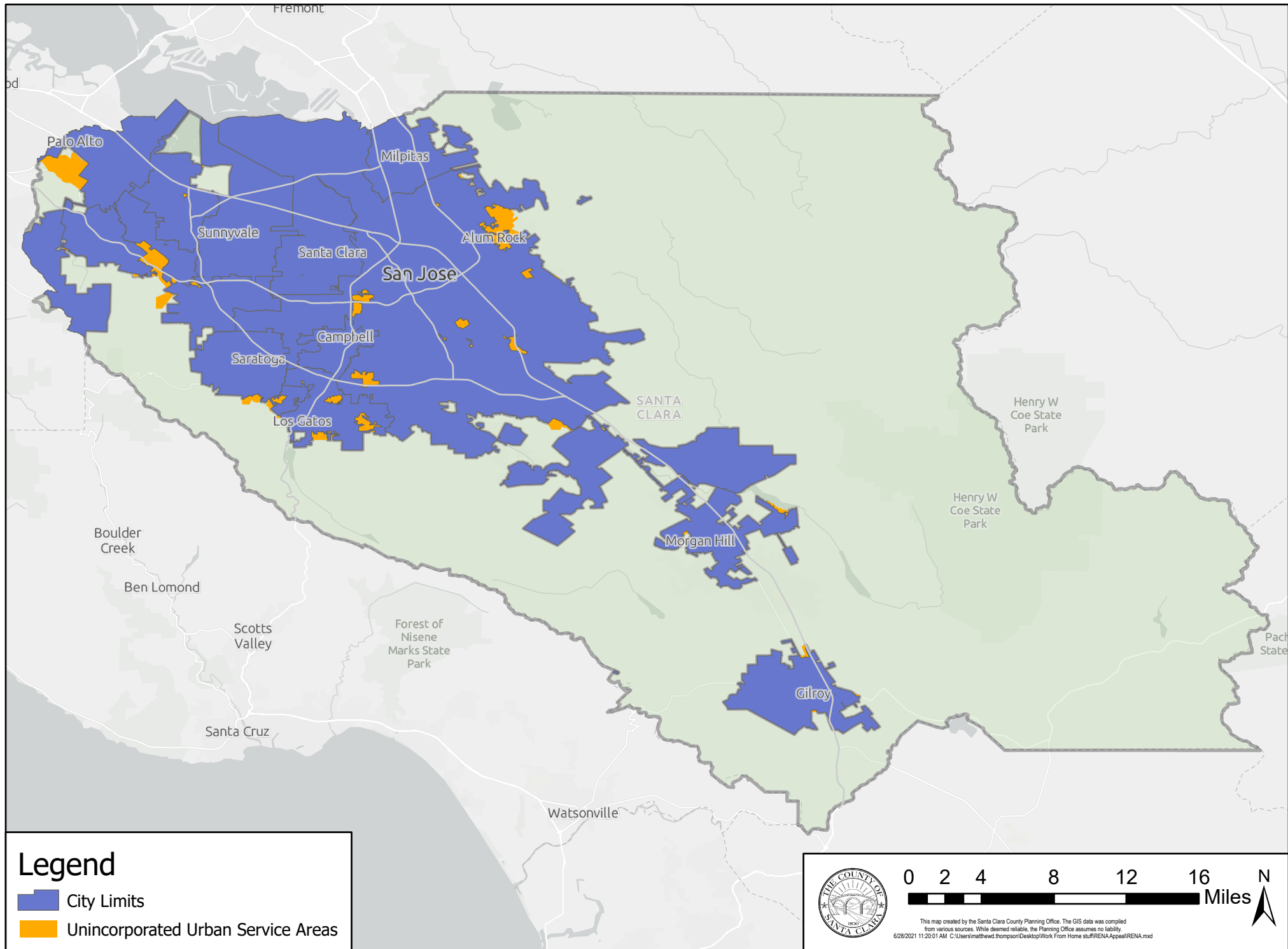
B. The County initiates unnecessary efforts to update policies essentially to achieve what is already happening with housing production in unincorporated Urban Service Areas. The requirement for the County to designate housing inventory sites within the urban unincorporated areas would require the County to amend its long-standing General Plan policies and Zoning Ordinance to essentially duplicate the actions already taken by cities in planning for these areas. Furthermore, it would create confusion between cities and the County in determining which sites in these USAs have already been counted in previous Housing Elements, and who would benefit from the already approved housing projects to avoid double counting.

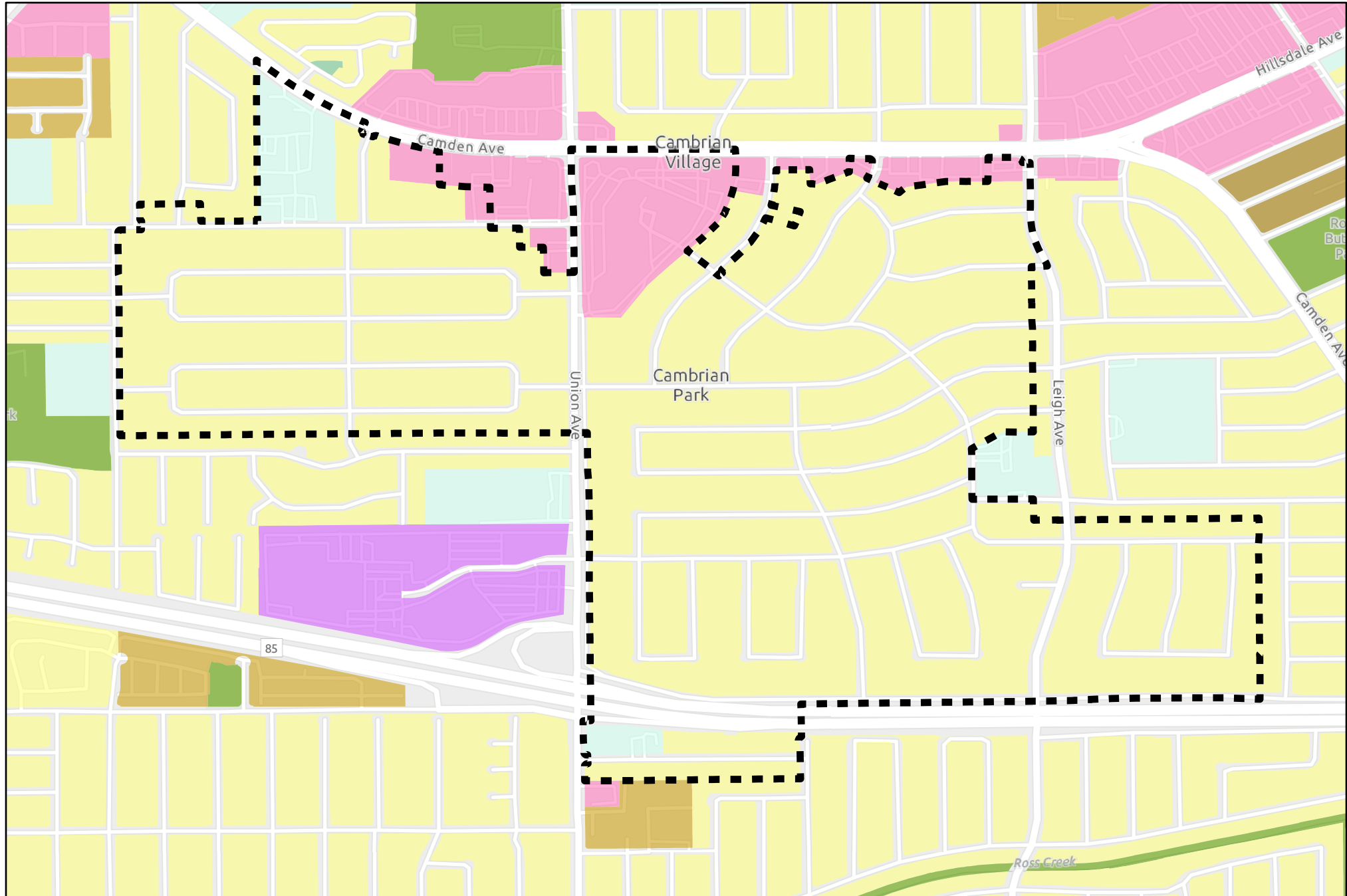
Due to these counter-productive choices that the County faces with the allocation under the 6th RHNA cycle, the County respectfully requests that the allocation be reduced to 1,125 units, which could be accommodated in the limited urbanized areas outside the USAs, including unincorporated lands of Stanford University, farmworker housing in rural unincorporated county, and steady approvals of ADUs and JADUs in both urban and rural parts of unincorporated Santa Clara County.

ATTACHMENT C:

**Unincorporated Urban Service Areas in Santa Clara County & Example of City General Plan
covering an Unincorporated Urban Service Areas**

Unincorporated Urban Service Areas in Santa Clara County





Legend



San Jose General Plan 2040

- | | | |
|--------------------------------|-----------------------------------|--------------------------|
| Combined Industrial/Commercial | Neighborhood/Community Commercial | Public/Quasi-Public |
| Mixed Use Commercial | Open Space, Parklands and Habitat | Residential Neighborhood |
| Mixed Use Neighborhood | Private Recreation and Open Space | Urban Residential |



0 400 800 1,600 Feet

This map created by the Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability.
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ATTACHMENT D:
**Site Inventory Parcels Within Unincorporated Urban Service Areas (USAs) Listed in Previous
Housing Elements**

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

<https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about>

| RHNA Cycle | Cycle Year | Jurisdiction | APN | City General Plan Designation | Zoning | Size (Acres) | Allowed Density | Esitimated Residential Capacity | Existing Use |
|------------|------------|--------------|------------|--|----------------|--------------|-----------------|---------------------------------|---------------------------|
| RHNA4 | 2007-2014 | San Jose | 245-01-003 | Transit Corridor Residential (20+ DU/AC) | Unincorporated | 14 | 45 | 630 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 261-39-002 | Combined Com./Ind. with Live/Work Overlay | Unincorporated | 0.24 | 33.3 | 8 | Industrial Warehouse |
| RHNA4 | 2007-2014 | San Jose | 261-39-003 | Combined Com./Ind. with Live/Work Overlay | Unincorporated | 0.34 | 35.3 | 12 | Vehicle Rental |
| RHNA4 | 2007-2014 | San Jose | 261-39-004 | Combined Com./Ind. with Live/Work Overlay | Unincorporated | 0.11 | 36.4 | 4 | Commercial Retail |
| RHNA4 | 2007-2014 | San Jose | 261-39-005 | Combined Com./Ind. with Live/Work Overlay | Unincorporated | 0.08 | 37.5 | 3 | Parking Lot |
| RHNA4 | 2007-2014 | San Jose | 261-39-006 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.09 | 33.3 | 3 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 261-39-009 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.96 | 104.2 | 100 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-010 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 1.64 | 34.8 | 57 | Office/Parking Lot |
| RHNA4 | 2007-2014 | San Jose | 261-39-011 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.16 | 37.5 | 6 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 261-39-012 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.17 | 35.3 | 6 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 261-39-013 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.15 | 33.3 | 5 | Parking Lot |
| RHNA4 | 2007-2014 | San Jose | 261-39-014 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.18 | 33.3 | 6 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 261-39-015 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.16 | 37.5 | 6 | Outdoor Storage |
| RHNA4 | 2007-2014 | San Jose | 261-39-016 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.17 | 35.3 | 6 | Outdoor Storage |
| RHNA4 | 2007-2014 | San Jose | 261-39-020 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.07 | 28.6 | 2 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-024 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.16 | 37.5 | 6 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-025 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.79 | 35.4 | 28 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-026 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.09 | 33.3 | 3 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-027 | Transit Corridor Residential (12+ DU/AC) | Unincorporated | 0.79 | 35.4 | 28 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-029 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.24 | 33.3 | 8 | Restaurant |
| RHNA4 | 2007-2014 | San Jose | 261-39-038 | Combined Com./Ind. with Live/Work Overlay | Unincorporated | 0.11 | 90.9 | 10 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 261-39-039 | Transit Corridor Res. (12+ DU/AC)/General Com. | Unincorporated | 0.15 | 86.7 | 13 | Industrial |
| RHNA4 | 2007-2014 | San Jose | 261-39-041 | Combined Com./Ind. with Live/Work Overlay | Unincorporated | 0.25 | 36 | 9 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 277-29-032 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.15 | 7.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 282-01-014 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.22 | 7.2 | 2 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 282-06-024 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.84 | 7.2 | 6 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 455-19-003 | Single Family Residential (1.0 DU/AC) | Unincorporated | 0.2 | 0.7 | 1 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 455-19-048 | Single Family Residential (1.0 DU/AC) | Unincorporated | 1.03 | 0.7 | 1 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 455-19-050 | Single Family Residential (1.0 DU/AC) | Unincorporated | 2.19 | 0.7 | 2 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 455-19-065 | Single Family Residential (1.0 DU/AC) | Unincorporated | 0.8 | 0.7 | 1 | Single-Family Residential |
| RHNA4 | 2007-2014 | San Jose | 455-19-106 | Single Family Residential (1.0 DU/AC) | Unincorporated | 2.74 | 0.7 | 3 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 484-17-035 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.16 | 7.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 595-12-026 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 12.46 | 1.2 | 14 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 599-26-047 | Low Density Residential (5.0 DU/AC) | Unincorporated | 0.21 | 3.1 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 599-28-001 | Low Density Residential (5.0 DU/AC) | Unincorporated | 4.09 | 3.1 | 12 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 599-30-036 | Low Density Residential (5.0 DU/AC) | Unincorporated | 0.51 | 3.1 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 599-39-047 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.38 | 7.2 | 3 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-07-066 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 1.14 | 7.2 | 8 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-07-075 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.7 | 7.2 | 5 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-08-128 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.31 | 7.2 | 2 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-22-050 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.22 | 7.2 | 2 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-22-118 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.14 | 7.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-25-119 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 1.35 | 7.2 | 10 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-25-121 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 0.36 | 7.2 | 3 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 601-29-009 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 2.71 | 7.2 | 20 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-02-049 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 0.36 | 1.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-03-026 | Low Density Residential (5.0 DU/AC) | Unincorporated | 0.46 | 3.1 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-09-016 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 0.74 | 1.2 | 1 | Vacant |

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).

<https://opendata.mtc.ca.gov/datasets/MTCC:~bay-area-housing-opportunity-sites-inventory-20072023/about>

| RHNA Cycle | Cycle Year | Jurisdiction | APN | City General Plan Designation | Zoning | Size (Acres) | Allowed Density | Esitimated Residential Capacity | Existing Use |
|------------|------------|--------------|------------|--|----------------|--------------|-----------------|---------------------------------|--------------|
| RHNA4 | 2007-2014 | San Jose | 612-11-036 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 0.46 | 1.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-16-047 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 1.14 | 1.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-17-038 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 0.96 | 1.2 | 1 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-19-026 | Low Density Residential (5.0 DU/AC) | Unincorporated | 4.3 | 3.1 | 13 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-23-056 | Medium Low Density Residential (8.0 DU/AC) | Unincorporated | 6.22 | 7.2 | 45 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 612-66-015 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 3.38 | 1.2 | 3 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 659-25-002 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 1.75 | 1.2 | 2 | Vacant |
| RHNA4 | 2007-2014 | San Jose | 696-01-025 | Very Low Density Residential (2.0 DU/AC) | Unincorporated | 13.15 | 1.2 | 15 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 274-16-050 | UV | County | 0.89 | 12.4 | 11 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 274-16-068 | UV | County | 0.52 | 12.4 | 6 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 274-17-018 | UV | County | 0.56 | 12.4 | 7 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 274-17-039 | UV | County | 0.83 | 12.4 | 10 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 274-41-074 | UV | County | 0.22 | 12.4 | 3 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 274-41-101 | UV | County | 1.39 | 12.4 | 17 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-04-028 | UV | County | 0.21 | 12.4 | 3 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-05-001 | UV | County | 2.18 | 12.4 | 27 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-05-008 | UV | County | 0.77 | 12.4 | 10 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-06-020 | UV | County | 0.75 | 12.4 | 9 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-07-024 | UV | County | 0.63 | 12.4 | 8 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-08-029 | UV | County | 0.46 | 12.4 | 6 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-09-029 | UV | County | 0.28 | 12.4 | 3 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-10-025 | UV | County | 0.56 | 12.4 | 7 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-12-029 | UV | County | 0.5 | 12.4 | 6 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-13-027 | UV | County | 0.31 | 12.4 | 4 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-14-028 | UV | County | 0.14 | 12.4 | 2 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 277-29-032 | RN | County | 0.15 | 8 | 1 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 282-01-014 | RN | County | 0.22 | 8 | 2 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 455-09-057 | UR | County | 70 | 22 | 1575 | None |
| RHNA5 | 2015-2023 | San Jose | 455-28-017 | UR | County | 9 | 68 | 625 | None |
| RHNA5 | 2015-2023 | San Jose | 595-12-026 | RR | County | 12.46 | 2 | 25 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 599-26-047 | RN | County | 0.21 | 8 | 2 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 599-28-001 | RN | County | 4.9 | 8 | 39 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 599-30-036 | RN | County | 0.51 | 8 | 4 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-07-066 | RN | County | 1.14 | 8 | 9 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-07-075 | RN | County | 0.7 | 8 | 6 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-08-128 | RN | County | 0.31 | 8 | 2 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-11-002 | NCC | County | 1.47 | 12.1 | 18 | Commercial |
| RHNA5 | 2015-2023 | San Jose | 601-11-024 | NCC | County | 0.6 | 12.1 | 7 | Residential |
| RHNA5 | 2015-2023 | San Jose | 601-22-050 | RN | County | 0.22 | 8 | 2 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-22-118 | RN | County | 0.14 | 8 | 1 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-25-121 | RN | County | 0.36 | 8 | 3 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 601-29-009 | RN | County | 2.71 | 8 | 20 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-09-016 | RR | County | 0.74 | 2 | 1 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-11-036 | RR | County | 0.46 | 2 | 1 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-16-047 | RR | County | 1.14 | 2 | 2 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-17-038 | RR | County | 0.96 | 2 | 2 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-19-026 | RR | County | 4.3 | 2 | 9 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-23-056 | RN | County | 5.87 | 8 | 45 | Vacant |

SITE INVENTORY PARCELS WITHIN UNINCORPORATED URBAN SERVICE AREAS (USAs) LISTED IN PREVIOUS CITY HOUSING ELEMENTS

Source: Bay Area Housing Opportunity Sites Inventory (2007–2023).
<https://opendata.mtc.ca.gov/datasets/MTC::bay-area-housing-opportunity-sites-inventory-20072023/about>

| RHNA Cycle | Cycle Year | Jurisdiction | APN | City General Plan Designation | Zoning | Size (Acres) | Allowed Density | Esitmated Residential Capacity | Existing Use |
|------------|------------|--------------|------------|-------------------------------|--------|--------------|-----------------|--------------------------------|--------------|
| RHNA5 | 2015-2023 | San Jose | 612-65-042 | LH | County | 4.3 | 0.2 | 1 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 612-66-015 | RR | County | 3.38 | 2 | 7 | Vacant |
| RHNA5 | 2015-2023 | San Jose | 696-01-025 | RR | County | 13.15 | 2 | 25 | Vacant |
| | | | | | | 238 | | 3,716 | |

ATTACHMENT E:
Letters to ABAG

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-5700
www.sccplandev.org



May 21, 2021

The Executive Board
Association of Bay Area Governments

Re: Final Regional Housing Needs Allocation (RHNA) Methodology and County of Santa Clara's draft allocation.

Dear President Arreguin and ABAG Executive Board:

On behalf of the Department of Planning and Development for the County of Santa Clara (County), I am writing to restate the County's objections regarding Association of Bay Area Government's (ABAG) approval of the Final Regional Housing Needs Allocation (RHNA) Methodology and Draft RHNA Allocations at its meeting on May 20, 2021 (Agenda Item No. 10.b). This letter identifies oversights in the methodology and the resulting policy conflicts that arise from the proposed assigned RHNA of 3,125 housing units to the County of Santa Clara unincorporated area and explains the untenable condition that would result for the County from this assignment.

This letter supplements the January 21, 2021 & November 3, 2020 letters from Jacqueline R Onciano, Director of the Department of Planning and Development, and the Honorable Cindy Chavez, Santa Clara County Board of Supervisors respectively; to President Jesse Arreguin objecting to the draft methodology and the RHNA assigned to the County.

As stated in the previous letters, the unincorporated County is primarily rural. Approximately 99% of the land within the County's jurisdiction is located outside of the urban service areas (USAs). The rural unincorporated County encompasses important agriculture lands and provides critical habitat and natural resources that support biological diversity and sustainability in the greater region. As a result, the County's General Plan, adopted in 1995, has had strong regional growth policies that protect the rural areas and direct growth into the urban areas, including the cities and unincorporated area subject to city annexation.

The Department of Planning and Development believes the conflict between the proposed RHNA allocation for the County and these critical sustainability policies result from several oversights in ABAG's draft methodology process. Our previous letters outlined Government Code sections 65584.04(e)(2), and 65584(d)(2), which require that the methodology consider the opportunities and constraints to development of additional housing in each jurisdiction, promote infill development and socioeconomic equity, protect environmental and agricultural resources, and encourage efficient development patterns to help meet the region's greenhouse gas reductions targets. We still maintain that the assignment of RHNA of 3,125 units to the County of Santa Clara unincorporated area,

requiring urban housing in the County's rural areas, conflicts with this statutory objective. Locating new housing units in these rural areas will impact environmental and agricultural resources, discourage efficient development patterns, and undermine greenhouse gas reduction targets by promoting urban sprawl.

In our consultations with ABAG staff, it was suggested that the County plan to accommodate RHNA within the urban unincorporated areas. However, the County's General Plan identifies that the land use planning for these urbanized parts of unincorporated county are conducted by the cities¹. The County's policy also has been that these urban unincorporated areas would be eventually annexed into the respective cities. To that effect the County's zoning code does not allow any significant projects within these areas unless the project conforms with the affiliated city's General Plan, and that the city has the option to annex the project area². This cornerstone policy of our General Plan has been accepted by cities in the County. This is reflected in their respected General Plans that have been planning for these USAs for the last two and a half decades.

This policy has been acknowledged by ABAG in the past RHNA cycles, as the County was assigned housing unit goals commensurate with the County's strong anti-sprawl regulations, and HCD has approved past cities' Housing Elements where site inventories include sites located in these urban unincorporated areas. A prime example of this has been the City of San José identifying over 543 acres of land for housing development within the urban unincorporated County in the past two Housing Elements (2007-2014, 2015-2023), totaling a capacity of 3,716 units.

The County would like to highlight the untenable conditions that will be imposed if the County were to receive the planned allocation of 3,125 units:

- 1) **The draft RHNA allocation upends the County's long established and successful policies in preventing urban sprawl and promoting resource conservation by focusing growth within Urban Service Areas.** The allocation of 3,125 units would force the County to consider sites within rural unincorporated areas, and/or rely on Federally controlled sites such as NASA/Ames, to produce housing that could be counted towards the County's allocation. These strategies run counter to the State's and Region's goals to reduce VMT and avoid building homes in areas likely to be impacted by Climate Change. Furthermore, the county has no land use jurisdiction over Federally controlled sites, making the County vulnerable to the SB 35 streamlining stipulations.
- 2) **The draft RHNA allocation will initiate unnecessary efforts to initiate transfer negotiations and policy updates essentially to achieve what is already happening with housing production in Urban Service Areas.** The requirement for the County to designate housing inventory sites within the urban unincorporated areas would require the County to modify its long-standing General Plan policies and Zoning Codes to essentially duplicate the actions already taken by cities in planning for these areas. Furthermore, it would create confusion between cities and the County in determining which sites in these USAs have been already counted in previous Housing

¹ County General Plan Book B, Part 4 Urban Unincorporate Area Issues & Policies. Strategy #2: *Ensure Conformity of Development With Cities' General Plans*

² County General Plan Book B, Part 4 Urban Unincorporate Area Issues & Policies. Strategy #1: *Promote Eventual Annexation.*

Elements, and who would benefit from the already approved housing projects to avoid double counting.

The County continues to be a strong advocate to build affordable housing in the incorporated and urbanized areas of the County. To that effect the County's *2016 Measure A - Affordable Housing Bond* has been instrumental in funding the building of new affordable housing projects within seven cities in the county amounting to 2,969 new affordable units in the last four years. All of these housing units have been counted towards the individual cities' RHNA requirements. The County continues to purchase parcels in cities and repurpose existing county-owned sites to build affordable housing to address the regional shortage.

In summary, we urge the ABAG Board to reconsider the methodology to allow for adjustments to the allocation for the County, and assign a RHNA amount commensurate with the County's commitment since 1995 to control sprawl and preserve agricultural and natural spaces.

Sincerely,

DocuSigned by:

AD0368294CE042B...

ROB EASTWOOD
Planning Manager, Department of Planning and Development
County of Santa Clara

Enclosures:

Attachment A: November 3, 2020 Letter from Cindy Chavez to ABAG President

Attachment B: January 21, 2021 Letter from Jacqueline R Onciano to ABAG President

ATTACHMENT A

County of Santa Clara

Department of Planning and Development

County Government Center, East Wing, 7th Floor

70 West Hedding Street

San Jose, CA 95110

Phone: (408) 299-5700

www.sccplandev.org



January 21, 2020

President Jesse Arreguin
ABAG Executive Board
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

**RE: County of Santa Clara, Department of Planning and Development Comment on
RHNA Allocation/Option 8a
1/21/2021 ABAG Executive Board Meeting
Agenda Item No. 11.b—Adoption of Draft RHNA Methodology**

Dear President Arreguin and ABAG Executive Board:

On behalf of the Department of Planning and Development for the County of Santa Clara (County), I am writing to restate the County's objections regarding Association of Bay Area Government's (ABAG) proposed adoption of Option 8a as the Regional Housing Needs Allocation (RHNA) distribution methodology at its meeting on January 21, 2021 (Agenda Item No. 11.b). This letter identifies oversights in the draft methodology and the resulting policy conflicts that arise from a RHNA of 3,156 housing units for the County of Santa Clara unincorporated area.

This letter supplements the November 3, 2020 letter from Cindy Chavez, Santa Clara County Board of Supervisors (Attachment A), to President Jesse Arreguin stating objections to the Option 8a methodology and the RHNA assigned to the County. The County recognizes that following the December 17, 2020 release of the Plan Bay Area final blueprint, the County's RHNA has decreased from 4,139 housing units to 3,156 units.

As stated in the November 3, 2020 letter, the unincorporated County is primarily rural. Approximately 99% of the land within the County's jurisdiction is located outside of the urban service areas that provide municipal sewer and water services. The rural unincorporated County encompasses important agriculture lands and provides critical habitat and natural resources that support biological diversity and sustainability in the greater region. As a result, the County's General Plan has strong regional growth policies that protect the rural areas from urbanization, directing growth into the urban areas, including the cities and unincorporated area subject to city annexation.

The County continues to be a strong leader in increasing housing production to meet the ongoing housing crisis in the Bay Area, including sponsoring the adoption of Measure A, a \$950 million dollar affordable housing bond approved by voters in 2016. However, the County strives to balance housing production with long term sustainability and greenhouse gas reduction goals.

To this end, the County supports housing development in urban areas closer to job centers and public transit, lowering Vehicle Miles Traveled and Greenhouse Gas Emissions.

The proposed Option 8a methodology that would result in a RHNA of 3,156 units to the County, represents over a 1,000% increase compared to the previous RHNA cycle and would require the County to rezone rural areas for urban housing development, conflicting with the County's General Plan and sustainability and greenhouse gas reduction goals within State law (AB 32) and the Plan Bay Area 2050 Blueprint. As identified in the November 3, 2020 letter, the County has determined it has the capacity to support approximately 2,000 units within the urban unincorporated areas, using a variety of housing production strategies.

We believe the conflict between the proposed RHNA for the County and these critical sustainability policies result from several oversights in ABAG's draft methodology process. First, in selecting a methodology, ABAG must consider the opportunities and constraints to development of additional housing in each jurisdiction. *See* Gov't Code § 65584.04(e)(2). Among these factors is "the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities." *Id.* § 65584.04(e)(2)(B). As described, approximately 99% of the land within the County's jurisdiction is in the rural areas, and the County maintains policies for the urban unincorporated areas that encourage their annexation into the Cities.

Based on conversations with ABAG staff, ABAG estimates that 2,000 units can be sited at Moffett Field/NASA Ames Research Center to meet RHNA requirements. While Moffett Field is located within the unincorporated County, the federal government owns this land and is immune from local land use regulation. As such, the County has no authority to zone or convert this land for residential use, and thus the County cannot demonstrate the necessary capacity in its Zoning Ordinance for housing on these federal lands.

Second, in selecting a draft methodology, ABAG must further the intent of the statutory objectives listed in subdivision (d) of Government Code section 65584, including "[p]romoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080." Gov't Code § 65584(d)(2). As identified in the November 3, 2020 letter, it appears that an assignment of RHNA of 3,156 to the County of Santa Clara unincorporated area, requiring urban housing in the County's rural areas, conflicts with this statutory objective. Locating new housing units in these rural areas will impact environmental and agricultural resources, discourage efficient development patterns, and undermine greenhouse gas reduction targets by promoting urban sprawl.

We respectfully ask ABAG to adequately consider the statutorily mandated methodology criteria and identify and implement a modification to Option 8a that is consistent with the statutory objectives.

Thank you for the opportunity to comment.

Respectfully Submitted,

DocuSigned by:
Jacqueline R Onciano
58D620AC52194DC...

Jacqueline R. Onciano
Director, Department of Planning and Development

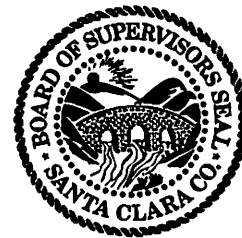
Attachment A: November 3, 2020 Letter from Cindy Chavez to ABAG President

ATTACHMENT B

County of Santa Clara

Board of Supervisors

County Government Center, East Wing
70 West Hedding Street, 10th Floor
San Jose, California 95110-1770
(408) 299-5001 FAX 938-4525
www.sccgov.org



November 3, 2020

President Jesse Arreguin
ABAG Executive Board
375 Beale Street, Suite 800
San Francisco, CA 94105-2066

RE: County of Santa Clara Unincorporated RHNA Allocation per Option 8a

Dear President Arreguin and ABAG Executive Board:

On behalf of the County of Santa Clara Board of Supervisors, I am writing to express objections regarding ABAG's adoption of Option 8a as the Regional Housing Needs Allocation (RHNA) distribution methodology, and specifically policy conflicts that would arise from the resulting RHNA of 4,139 housing units for the County of Santa Clara unincorporated area.

The County of Santa Clara (County) has been a strong leader in increasing housing production to address the ongoing housing crisis and affordability gap in the Bay Area. In 2016, the County Board of Supervisors sponsored ballot initiative Measure A, a \$950-million affordable housing bond passed by the voters. Measure A Bond proceeds contribute to the creation or preservation of over 4,500 units countywide, and the County has already supported 28 housing developments and allocated \$25 million for a first-time homeowner buyer program.

Additionally, the County has taken strong measures to increase the housing supply in the unincorporated areas. These measures include adoption of Inclusionary Housing Ordinances in 2018 and 2020, adoption of State-compliant Accessory Dwelling Unit (ADU) regulations that allow increased flexibility in housing types, including the use of mobile tiny homes, and adoption of an Agricultural Worker Housing Ordinance in 2020 that streamlines agricultural worker housing production.

Concurrently, the County has been a leader in advancing sustainability and climate resiliency in alignment with the State's climate goals and policy mandates. Since 1980, the County has maintained foundational General Plan policies that direct all urban growth into the cities while maintaining rural unincorporated areas for resource conservation and agriculture preservation. Consistent with these objectives, the County adopted the Santa Clara Valley Habitat Plan in 2012 and the

Board of Supervisors:

Mike Wasserman
District 1

Cindy Chavez
District 2

Dave Cortese
District 3

Susan Ellenberg
District 4

S. Joseph Simitian
District 5

County Executive: Jeffrey V. Smith

Santa Clara Valley Agricultural Plan in 2018, which direct further investments into preserving habitat and agricultural lands within the rural areas.

Under the Option 8a RHNA distribution methodology, the County of Santa Clara unincorporated area would receive a RHNA of 4,139 units, to be completed over the next Housing Element Cycle (2023-31). Based on the County's General Plan policies and land use framework, the County has very limited jurisdiction over urban housing production. Approximately 98.9 percent of the County's unincorporated lands are in rural areas, which lack municipal services such as sewer and are identified for resource conservation. The County's urban unincorporated policies require new development within urban unincorporated areas to petition for annexation into Cities. A RHNA of 4,139 units—representing over a 1,300% increase over the previous RHNA allocation of 277 units in the last housing cycle—would require the County to rezone its rural areas for urban housing development, conflicting with the County's General Plan and sustainability and greenhouse gas reduction goals in both adopted State policies and within the Plan Bay Area 2050 Blueprint.

The County's Department of Planning and Development staff has determined that the County has the capacity to support approximately 2,000 units in the urban unincorporated areas for the 2023–31 Housing Element cycle, incorporating a variety of housing production strategies. This commitment to 2,000 units still represents a 620% increase over the County's previous RHNA, but underscores the County's strong commitment to produce housing within its capacity without undermining climate action and resource conservation goals.

A RHNA above this amount requiring urban housing in the County's rural areas conflicts with Housing Element Law, specifically RHNA Objective 2 (California Government Code section 65584(d)(2)), which states:

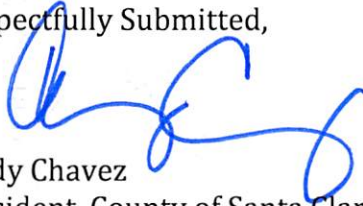
“Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.”

The requirement for the County to designate rural and agricultural areas for urban housing production also conflicts with the Plan Bay Area 2050 Blueprint that designates a majority of the County's rural areas as Priority Conservation Areas. The vast majority of the County's 65 Priority Conservation Areas identified by ABAG are located within our rural areas, identified for conservation as natural landscapes, regional recreation, and as agricultural lands. Conversion of these lands into urban housing would conflict with these resource conservation goals, concurrently increasing greenhouse gas emissions and vehicle miles traveled, contrary to the State's climate action goals.

We would like to reiterate the County is strongly committed to both housing production and greenhouse gas reduction. The County has continued to stake a leadership position in increasing housing production within our urban areas while preserving our rural and agricultural areas for resource conservation, in alignment with State and ABAG climate action goals along with greenhouse gas reduction and regional resiliency. We respectfully ask ABAG to identify and implement a modification to Option 8a that avoids the increase in RHNA for the County of Santa Clara's unincorporated areas.

Thank you for the opportunity to comment.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Cindy Chavez', is written over the text 'Respectfully Submitted,'.

Cindy Chavez
President, County of Santa Clara Board of Supervisors

ATTACHMENT F:

Sites Identified by the ABAG/MTC Housing Element Site Selection Tool outside the Urban Service Areas

Sites Identified by the ABAG/MTC Housing Element Site Selection Tool

